

**REGULAR COUNCIL
MINUTES**

Meeting #: C-12/2024
Date: Wednesday, August 14, 2024
Time: 9:00 AM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin
Councillor Bob Hildebrandt
Councillor Wayne Olson
Councillor John Wink
Councillor Kevin Ker
Councillor Shellee Niznik
Councillor Brian Eckhardt

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin-Murphy
Jennifer Stirton
Vickie vanRavenswaay
Holly Willford
Sarah Leach
Pamela Duesling
Ryan Cook
Shannon Larocque

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 8:59am.

2. National Anthem

3. Land Recognition Statement

Councillor Niznik read the land recognition statement into the record.

4. Approval of the Agenda

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the August 14, 2024 Regular meeting of Council be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interests and General Nature Thereof

Councillor Hildebrandt declared a pecuniary interest with respect to item 14.2.2 as his daughter is on the soccer board.

6. Hearing of Presentation, Delegations, Regional Report

6.1 Delegations

6.1.1 Dr. Jim Jeffs - Cannabis Odour Unit Threshold

Dr. Jeffs appeared before Council to discuss cannabis odour unit levels and his opinion on the said odour units and the Town's odorous industry by-law. He requested Council reduce the odour units to 1 unit and to amend the adverse effect definition within the Town's by-law. Dr. Jeffs answered various questions of Council.

Moved By Councillor John Wink

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the delegation from Dr. Jim Jeffs regarding the Cannabis Odour Unit Threshold, for information.

Carried

6.1.2 Marc Brule - Odour Control of Cannabis Production

Mr. Brule appeared before Council to discuss cannabis odour in both Pelham and Welland. He stated various negative effects the odour of cannabis has been to him and his family. He answered various questions of Council.

Moved By Councillor Shellee Niznik

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive the delegation from Marc Brule regarding the Odour Control of Cannabis Production, for information.

Carried

7. Resolution to Move In-Camera

Moved By Councillor Kevin Ker

Seconded By Councillor John Wink

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose (1 item - Cannabis)

Carried

8. Rise from In-Camera

Moved By Councillor Shellee Niznik

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council reconvene the regular meeting;

AND THAT Council adjourn the In Camera Session and that Council do now Rise: With No Report

Carried

9. Motions and Notices of Motion

9.1 Deputy Mayor Wink - Cannabis Odour Threshold

Council agreed to several friendly amendments presented by Deputy Mayor Wink.

Moved By Councillor John Wink

Seconded By Councillor Kevin Ker

WHEREAS on March 23, 2020, Council enacted an Odourous Industries Nuisance By-law that sets an odour threshold based on known industry standards for acceptable odour levels in the Town of Pelham;

AND WHEREAS the community has expressed its dissatisfaction with odour emissions from local cannabis facilities, indicating that current measures may be inadequate;

AND WHEREAS Town of Pelham Council recognizes the challenge of balancing industrial growth with the quality of life and well-being of the community;

NOW THEREFORE BE IT RESOLVED THAT Council direct staff to prepare a comprehensive report reviewing the current threshold for odour levels as stipulated in the Odourous Industries Nuisance By-law 4202(2020);

AND THAT the report further examine existing odour testing data and provide recommendations for revised odour limits that align more closely with the community expectations, while respecting industry standards;

AND THAT as part of this review, staff be directed to consult the Town's odour expert to obtain professional insights and recommendations on appropriate odour thresholds;

AND THAT staff present their findings and recommendations to Council on September 18, 2024, for consideration and potential amendment of the By-law.

Moved By Councillor John Wink

Seconded By Councillor Kevin Ker

WHEREAS on March 23, 2020, Council enacted an Odourous Industries Nuisance By-law that sets an odour threshold based on known industry standards for acceptable odour levels in the Town of Pelham;

AND WHEREAS the community has expressed its dissatisfaction with odour emissions from local cannabis facilities, indicating that current measures may be inadequate;

AND WHEREAS Town of Pelham Council recognizes the challenge of balancing industrial growth with the quality of life and well-being of the community;

NOW THEREFORE BE IT RESOLVED THAT Council direct staff to prepare a comprehensive report reviewing the current threshold for odour levels as stipulated in the Odourous Industries Nuisance By-law 4202(2020);

AND THAT the report further examine existing odour testing data and provide recommendations for revised odour limits that align more closely with the community expectations, while respecting industry standards;

AND THAT as part of this review, staff be directed to consult the Town's odour expert to obtain professional insights and recommendations on appropriate odour thresholds;

AND THAT staff are directed to further investigate enforcement technologies that can be used to detect odour to ensure the nasal ranger is sufficient for the Town of Pelham's needs;

AND THAT staff are directed to maintain the existing by-law, however, provide analysis on potential odour thresholds reduction options;

AND THAT staff be directed to review odour emission penalties and provide Council potential progressive penalties options to be implemented;

AND THAT staff present their findings and recommendations to Council on October 16, 2024, for consideration and potential amendment of the By-law.

Carried

10. Adoption of Council Minutes

Moved By Councillor Brian Eckhardt
Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

- 1. RC-12/2024 - July 10, 2024 - Regular Council**

Carried

10.1 RC-12/2024 - July 10, 2024 - Regular Council

11. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration

Councillor Hildebrant requested item 12.3.2 - Public Works COW report be lifted.

12. Consent Agenda Items to be Considered in Block

Moved By Councillor John Wink
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the Consent Agenda items as listed on the August 14, 2024, Council Agenda be received and the recommendations contained therein be approved, save and except item 12.3.2:

12.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from the following:

- 1. PCOW-05/2024 - Public Meeting under the Planning Act - July 17, 2024**

12.2 Minutes Approval - Committee of Council

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

- 1. PCOW-05/2024 - Public Meeting under the Planning Act - July 17, 2024**

12.3 Staff Reports of a Routine Nature for Information or Action

12.3.1 Q2 2024 Clerks Quarterly Report, 2024-0174-Clerks

BE IT RESOLVED THAT the Q2/2024-0174 Clerk’s Report be received for information.

~~**12.3.2 Q2 2024 Public Works Quarterly Report, 2024-0159-Public Works**~~

~~BE IT RESOLVED THAT the Q2-2024 Public Works Department Report be received for information.~~ (lifted by Councillor Hildebrandt)

12.3.3 Q2 2024 RCW Quarterly Report, 2024-0143-Recreation

BE IT RESOLVED THAT the Q2 – Report 2024 - 143 Recreation, Culture and Wellness Department Report be received for information.

12.3.4 Q2-2024 Planning and Development Quarterly Report, 2024-0180-Planning

BE IT RESOLVED THAT the Q2/2024 Community Planning and Development Department Report be received for information.

12.3.5 Q2 2024 Fire and by-law quarterly report, 2024-0099-Fire Dept

BE IT RESOLVED THAT the Q2/2024 Fire and By-law Enforcement Department Report be received for information.

12.3.6 Q2 Corporate Services Quarterly Report, 2024-0162-Corporate Services

BE IT RESOLVED THAT the Q2/2024 Corporate Services Department Report be received for information.

12.3.7 Updates to the Attendance Policy, 2024-0172-People Services

BE IT RESOLVED THAT Council receive Report #2024-0172 Updates to the Attendance Policy S600-20, for information;

AND THAT Council approve the Attendance Policy S600-20, as amended, effective January 1, 2025.

12.3.8 Potential Niagara Regional Transit Enhancements, 2024-0116-Clerks

BE IT RESOLVED THAT Council receive Report #2024-0116 Potential Niagara Regional Transit Enhancements, for information;

AND THAT Council direct this report be circulated to the Niagara Regional Clerk for submission to the Niagara Transit Commission.

12.4 Action Correspondence of a Routine Nature

12.4.1 Miranda's Miracles Fund Proclamation Request - Childhood Cancer Awareness

BE IT RESOLVED THAT the Town of Pelham receive the proclamation request from Miranda's Miracles Fund, for information;

AND THAT THE Corporation of the Town of Pelham hereby proclaims the month of September 2024 as Childhood Cancer Awareness Month.

12.4.2 NiagaraGives Proclamation Request - GivingTuesday

BE IT RESOLVED THAT the Town of Pelham receive the proclamation request from NiagaraGives, for information;

AND THAT THE Corporation of the Town of Pelham hereby proclaims December 3, 2024 as GivingTuesday.

12.4.3 Sons & Daughters Winery - Request for Support of By-the-Glass Endorsement to the AGCO

BE IT RESOLVED THAT Council for the Town of Pelham received correspondence from Sons & Daughters Winery regarding a request for the Town of Pelham to support their application for the endorsement of selling and serving tasting flights or products By-the-Glass;

AND THAT Council for the Town of Pelham are in support of Sons & Daughters Winery applying for a By-the-Glass Endorsement from the Alcohol Gaming Commission of Ontario at 1389 Effingham Street, Ridgeville, ON, L0S 1M0 excluding the use of buildings, until occupancy has been granted by the Building Department, noting that wine serving and pouring should be primarily located in the Specialty Agricultural-156 zone which permits the winery use.

12.5 Information Correspondence

12.5.1 Green Roads Pilot Project - St. Catharines Council Correspondence

BE IT RESOLVED THAT Council receive correspondence from the City of St. Catharines regarding Green Roads Pilot Project council resolution, for information.

12.5.2 Stirtzinger Naming Request

BE IT RESOLVED THAT Council receive correspondence from Beverly Stirtzinger Lovejoy requesting consideration of the Stirtzinger name relating to naming of streets, parks or other entities, for information.

12.6 Regional Municipality of Niagara Correspondence for Information or Action

12.6.1 Development Charges Act Exemption for Affordable and Attainable Residential Units

BE IT RESOLVED THAT Council receive Niagara Region's report regarding Development Charges Act - Exemption for affordable and attainable residential units, for information.

12.6.2 Proposed Amendments to Niagara Escarpment Planning and Development Act

BE IT RESOLVED THAT Council receive Niagara Region's report regarding Proposed Amendments to the Niagara Escarpment Planning and Development Act, for information.

12.7 Advisory Committee Minutes for Information

12.7.1 Agricultural Advisory Committee Minutes - January 31, 2024

BE IT RESOLVED THAT Council receive the Agricultural Advisory Committee Minutes for the January 24, 2024 meeting, for information.

12.7.2 Pelham Active Transportation Committee Minutes - May 22, 2024

BE IT RESOLVED THAT Council receive the Pelham Active Transportation Committee meeting minutes dated May 22, 2024, for information.

12.7.3 Environmental and Climate Adaptation Advisory Committee Minutes - June 24, 2024

BE IT RESOLVED THAT Council receive the Environmental and Climate Adaptation Advisory Committee Minutes for the June 24, 2024 meeting, for information.

12.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from the following:

- 1. PCOW-05/2024 - Public Meeting under the Planning Act - July 17, 2024**

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BE IT RESOLVED THAT the Q2/2024-0174 Clerk's Report be received for information.

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BE IT RESOLVED THAT Council receive Report #2024-0172 Updates to the Attendance Policy S600-20, for information;

AND THAT Council approve the Attendance Policy S600-20, as amended, effective January 1, 2025.

12.3.7 Potential Niagara Regional Transit Enhancements, 2024-0116-Clerks

BE IT RESOLVED THAT Council receive Report #2024-0116 Potential Niagara Regional Transit Enhancements, for information;

AND THAT Council direct this report be circulated to the Niagara Regional Clerk for submission to the Niagara Transit Commission.

12.4 Action Correspondence of a Routine Nature

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AND THAT Council for the Town of Pelham are in support of Sons & Daughters Winery applying for a By-the-Glass Endorsement from the Alcohol Gaming Commission of Ontario at 1389 Effingham Street, Ridgeville, ON, L0S 1M0 excluding the use of buildings, until occupancy has been granted by the Building Department, noting that wine serving and pouring should be primarily located in the Specialty Agricultural-156 zone which permits the winery use.

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12.6.1 Development Charges Act Exemption for Affordable and Attainable Residential Units

BE IT RESOLVED THAT Council receive Niagara Region's report regarding Development Charges Act

- Exemption for affordable and attainable residential units, for information.

12.6.2 Proposed Amendments to Niagara Escarpment Planning and Development Act

BE IT RESOLVED THAT Council receive Niagara Region's report regarding Proposed Amendments to the Niagara Escarpment Planning and Development Act, for information.

12.7 Advisory Committee Minutes for Information

12.7.1 Agricultural Advisory Committee Minutes - January 31, 2024

BE IT RESOLVED THAT Council receive the Agricultural Advisory Committee Minutes for the January 24, 2024 meeting, for information.

12.7.2 Pelham Active Transportation Committee Minutes - May 22, 2024

BE IT RESOLVED THAT Council receive the Pelham Active Transportation Committee meeting minutes dated May 22, 2024, for information.

12.7.3 Environmental and Climate Adaptation Advisory Committee Minutes - June 24, 2024

BE IT RESOLVED THAT Council receive the Environmental and Climate Adaptation Advisory Committee Minutes for the June 24, 2024 meeting, for information.

13. Consent Agenda Item(s) Lifted for Separate Consideration, if any

13.1 Q2 2024 Public Works Quarterly Report, 2024-0159-Public Works

Moved By Councillor John Wink

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the Q2 2024 Public Works Department Report be received for information.

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council amend the resolution to include:

- **AND THAT Council direct staff to prepare a report, in Q4, regarding maintenance of Town boulevards fronting properties, its impact on staff (time and**

financial considerations), and potential options moving forward.

Carried

Main Motion as Amended:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT the Q2 2024 Public Works Department Report be received for information;

AND THAT Council direct staff to prepare a report, in Q4, regarding maintenance of Town boulevards fronting properties, its impact on staff (time and financial considerations), and potential options moving forward.

Carried

14. Presentation and Consideration of Reports

14.1 Members of Council Reports

14.2 Staff Reports Requiring Action

14.2.1 Joint Accessibility Advisory Committee (JAAC) 2024-2026 Proposal, 2024-0160-Clerks

Moved By Councillor Kevin Ker

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report # 2024-0160 -Clerks - Joint Accessibility Advisory Committee (JAAC) – 2024-2026 Proposal;

AND THAT Council approve the 2024-2026 Proposal to coordinate AODA Compliance for 2024-2026 with The Herrington Group Ltd., at a cost of \$10,000 per year;

AND THAT the Town Clerk be directed to prepare the necessary by-law authorizing the Mayor and Clerk to execute the said Agreement for the next Regular Meeting of Council.

Carried

14.2.2 Soccer Field Maintenance Report, 2024-0179-Public Works

Councillor Hildebrandt vacated the chambers during this item.

Moved By Councillor Wayne Olson
Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2024-0179 Soccer Field Maintenance Report, for information.

Carried

14.2.3 LAS Electricity Hedging, 2024-0173-Corporate Services

Councillor Hildebrandt returned to the Council chambers.

Moved By Councillor John Wink
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2024-0173-Corporate Services, for information;

AND THAT Council approve the Town of Pelham entering into a Electricity Hedging with Local Authority Services (LAS) effective January 1, 2025 after final review from the Town Solicitor;

AND THAT Council approve Option #2 at 50% of all accounts for Electricity Hedging.

Carried

14.2.4 Station Street Extension Detailed Design and Development Charges Refund Agreement, 2024-0175-Planning

Moved By Councillor Brian Eckhardt
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2024-175 Station Street Extension Detailed Design & Development Charges Refund Agreement, for information;

AND THAT Council direct the Mayor and Clerk to execute the Development Charges Refund Agreement on behalf of the Town.

Carried

15. Unfinished Business

16. New Business

17. Presentation and Consideration of By-Laws

Councillor Olson requested the motion be divided.

Moved By Councillor Kevin Ker
Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:

1. By-law 52-2024 - Being a By-law to amend Zoning By-law 4481(2022), as amended, for lands on the south side of Canboro Road and north side of Daleview Drive, legally described as Part of Block "U", Plan 717, and Part of Lot 37, Plan 722, in the Town of Pelham, Regional Municipality of Niagara from the Residential Multiple Two (RM2) zone to the R2-165 (Residential 2-165) and RM1-166 (Residential Multiple 1-166) zones. Canboro Estates (82-90 Canboro Road). File No. AM-02-2024
2. By-law 53-2024 - Being a By-law to Authorize the Mayor and Clerk to enter into an Agreement with Sterling Realty (Niagara) Inc. for the Refund of Development Charges Relating to the Construction of Station Street from Port Robinson Road to Walker Road.

Moved By Councillor Kevin Ker
Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:

- 1. By-law 52-2024 - Being a By-law to amend Zoning By-law 4481(2022), as amended, for lands on the south side of Canboro Road and north side of Daleview Drive, legally described as Part of Block "U", Plan 717, and Part of Lot 37, Plan 722, in the Town of Pelham, Regional Municipality of Niagara from the Residential Multiple Two (RM2) zone to the R2-165 (Residential 2-165) and RM1-166 (Residential Multiple 1-166) zones. Canboro Estates (82-90 Canboro Road). File No. AM-02-2024**

Carried

Moved By Councillor Kevin Ker
Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:

2. By-law 53-2024 - Being a By-law to Authorize the Mayor and Clerk to enter into an Agreement with Sterling Realty (Niagara) Inc. for the Refund of Development Charges Relating to the Construction of Station Street from Port Robinson Road to Walker Road.

Carried

18. Resolution to Move In Camera

Moved By Councillor Wayne Olson

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(e) - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality (1 item - Cannabis)

Carried

19. Rise From In Camera

Moved By Councillor Brian Eckhardt

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council reconvene the regular meeting;

AND THAT Council adjourn the In Camera Session and that Council do now Rise: With No Report

AND THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meetings held August 14, 2024.

Carried

20. Confirming By-Law

Moved By Councillor John Wink

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 54-2024 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 14th day of August, 2024.

Carried

21. Adjournment

The meeting adjourned at 12:06 p.m.

Moved By Councillor Kevin Ker

Seconded By Councillor John Wink

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for September 4, 2024 at 9:00 am.

Carried

Mayor: Marvin Junkin

Town Clerk: Holly Willford